IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3971 OF 2007

Jesal Chandrakant Doshi & Ors. . ...Applicants.
V/s
The State of Maharashtra & Anr. ....Respondents.

Mr.Meghshyam Kocharekar, Adv. For the applicants.

Mr.P.A.Pol, APP for respondent No.1.

Mrs.Deepali Joshi, Adv. For the respondent No.2.

CORAM: A.P.DESHPANDE, J.
14/12/07

PC:

The present petitioner No.1 is the husband whereas respondent No.2 is the wife. Petitioner Nos. 2 and 3 are father and mother of petitioner No.1 respectively. Petitioners are accused in CC No.807/PW/06 pending on the file of learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai in a criminal complaint filed by respondent No.2. The petitioners are facing prosecution for the alleged commission of offence under sections 498A, 323, 506, 504 read with section 34 of Indian Penal Code.

2. The parties to this application have resolved the dispute amicably and consent terms came to be filed at Family Court, Bandra in MJ Petition No.A-90/07. According to the said consent terms marriage has been dissolved by a decree of divorce obtained by the parties by mutual consent under section 13B of the Hindu

Marriage Act. The petitioner No.1 has agreed to pay total sum of Rs.6,50,000/- to respondent No.2-wife herein towards permanent alimony. Said amount has been deposited with the Family Court, I am informed by the learned advocates for respective parties that the said amount would be disbursed to the wife after disposal of this application. Based on the consent terms both the learned advocates appearing for respective parties make a joint prayer to quash the proceedings in CC No.807/PW/06. Having regard to the fact that the husband and wife have sought and obtained divorce by mutual consent it would be in the interest of justice to quash the proceedings on the file of learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai and the same would be in furtherance of cause of justice, subject to which quashing the wife would be receiving the amount of Rs.6,50,000/- deposited in the Family Court. Hence application is allowed. The proceedings in CC No.807/PW/06 pending on the file of learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai stand quashed and set aside.

14.12.07